

FILED

AUG 28 2023

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

Otha Gray CDCR#AN9365

Name and Prisoner Booking Number

California State Prison - Corcoran

Place of Confinement

P.O. Box 8800

Mailing Address

Corcoran, CA. 93212

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Otha Gray

(Full Name of Plaintiff)

Plaintiff,

v.

(1) Kathleen Allison

(Full Name of Defendant)

(2) Campbell

(3) J. Pruitt

(4) John Doe

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. 1:23-cv-1285-GSA(PC)

(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

RECEIVED

AUG 28 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: California State Prison - Corcoran

B. DEFENDANTS

1. Name of first Defendant: Kathleen Allison. The first Defendant is employed as:
CDCR Secretary at CDCR Headquarters
(Position and Title) (Institution)
2. Name of second Defendant: Campbell. The second Defendant is employed as:
Warden at Corcoran State Prison
(Position and Title) (Institution)
3. Name of third Defendant: J. Prust. The third Defendant is employed as:
Case Records Analyst (CCRA) at Corcoran State Prison
(Position and Title) (Institution)
4. Name of fourth Defendant: John Doe. The fourth Defendant is employed as:
Case Records Supervisor at Corcoran State Prison
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

in City of Canton v. Harris (1989) 489 U.S. 378.

CLAIM TWO

Defendants Warden Campbell and CDCR Secretary Kathleen Allison, legally responsible for the welfare of all inmates in their care, created and perpetuated a policy or custom that allowed the wrongs to occur, Fairley v. Luman (9th Cir. 2002) 281 F.3d 913, prison officials are liable for creating rules, policies or customs that violate Constitutional rights, whether written or unwritten.

As described in the Facts, the current method being used is highly dangerous, has caused numerous assaults and deaths over the last few years, and because it would have been very easy to have changed the method, shows a deliberate indifference to the safety of inmates.

There is another serious issue involved, inmates have a right to informational privacy and confidentiality, it is a substantive due process right guaranteed by the 14th Amendment to the U.S. Constitution. The info on the LSS is no different then medical information that an inmate has HIV, staff disclosing to any inmate the HIV positive status of another inmate violates that substantive due process right, see Doe v. Delve (3rd Cir. 2001) 257 F.3d 309 and Hunnisett v. Armstrong (2nd Cir. 2005) 152 Fed. Appx. 34

CONCLUSION

Plaintiff's injuries are not minor, and merit damages, Grenning v. Miller-Stout (9th Cir. 2014) 739 F.3d 1235. And his mental and emotional injuries also merit damages, Caneil v. Lightner (9th Cir. 1998) 143 F.3d 1210, for these reasons this case should be allowed to proceed.

Respectfully Submitted.

MEMORANDUM OF POINTS AND AUTHORITIES

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Each defendant is sued individually. At all times mentioned in this complaint, each defendant acted under color of state law.

The job of a Case Records Analyst is to accurately and precisely record the information received from the court so that it correctly reflects the charges and sentence, and is just as important and crucial as is the Court Clerk's recording of these items, where any mistake could double a sentence or unjustly label a man a child abuser and get him killed, which is why the court sends so many different documents. In fact, defense attorneys are taught that "in sex and other sensitive cases, counsel should not discuss the charges or facts of the case in letters to the client. The client also may wish to have briefs sent to a friend or relative, rather than directly to the client. Inmates convicted of these crimes have been beaten and killed in prison." California Criminal Law Procedure and Practice (Cal.CEB 2012) page 1381.

Defendant J. Pruitt, CCRA, directly caused all of the wrongs that Plaintiff suffered when he labeled him a child abuser, incorrectly and against all of the information available to the Analyst in multiple documents, knowing that this label in prison is dangerous, and went way beyond negligence, it was deliberate indifference to the rights and safety of Plaintiff. His duty to protect Plaintiff from violence at the hands of other prisoners was established in Farmer v. Brennan (1994) 511 U.S. 825, and he failed in that duty, violating Plaintiff's 8th Amendment to the U.S. Constitution rights.

Defendant John Doe, the Case Records Supervisor whose name will be provided to Plaintiff during Discovery, failed to oversee defendant J. Pruitt, and either hired someone unqualified for such precise work, or failed to adequately train the Analyst. The Supreme Court held liable for failure to train when amounts to deliberate indifference to Constitutional rights,

CLAIM ONE CONTINUED

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Eventually, on 1-14-2023, Plaintiff was attacked on camara, which dislocated his jaw, and caused him to develop severe, permanent fear, stress, and PTSD. Plaintiff also suffered permanent, irreversible damage to his future safety also, because everyone on that yard believed he was a child abuser, and as inmates are constantly moved around, he will eventually end up on a yard with some of them, and the cycle of violence against him will continue.

After Plaintiff was assaulted, he made his way to the Program Office to tell staff, who placed him in the "hole" (ASU) for 72 hours, before moving him to another yard. His wife called CDCR Ombudsman for Corcoran Prison, who visited him, and 15 minutes later his Counselor handed him a new LSS where the child abuse had been changed to "Notification Required - Inmate's Family".

The LSS is created by a Case Records "Specialist" or "Analyst", who reviews the Abstract of Judgment, Probation Report, and Reporter's transcript of the sentence hearing, enters the information into CDCR's computer system, and places the files into the Central File. All of these documents clearly show that my conviction is for PC273.5(a) "inflicting corporal injury on a spouse, cohabitant, or mother of his child", NOT FOR PC273(a) "willfull harm to a child". The LSS shows the correct charge, so there is no explanation why the Case Records Analyst (CCRA) Jo Pruitt, put that there was a required child abuse notification.

Since it is a matter of life and death over what the LSS shows, it is not only the Case Records Analyst who directly caused the wrong, but also culpable is the Case Records Office Supervisor over the Analyst, John Doe, who failed to oversee the Analyst who caused the wrong, hired someone unqualified, or failed to adequately train the Analyst he was responsible for.

Defendants CDCR Secretary Kathleen Allison and Warden Campbell are legally responsible for the welfare of all inmates.

CLAIM II

1. State the constitutional or other federal civil right that was violated: 14th Amendment to U.S. Constitution rights to due process

2. Claim II. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Defendants CDCR Secretary Kathleen Allison and Warden Campbell created and perpetuated a policy or custom where the method for an inmate to get his LSS is to write a request to the Case Records Office, who then print it and mail it to the inmate. Anyone can write a request pretending to be someone else, and a LSS will be dropped in the mail, which is sorted in a public area where anyone can see it, then left in a cell if the inmate is not in it.

The LSS and a Classification Chrono both have sensitive info on them, yet the Classification Chrono can only be gotten in private through an inmate's Counselor. If Plaintiff's LSS had been required to be given to him by his Counselor, who would have seen the sensitive information and brought it to Plaintiff's attention so they could have together looked into it and fixed the incorrect info, Plaintiff's Constitutional rights would not have been violated.

The current system regarding an LSS allows sensitive information that should mandatory be confidential and private, to become accessible by everyone, and which puts some inmates' lives unnecessarily in danger.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

A dislocated jaw that several weeks later still hurts, and severe, permanent fear, stress, and PTSD. Also, irreversable threat to Plaintiff's future safety due to a false child abuser label.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: 8th Amendment to U.S. Constitution rights against Cruel and unusual punishment

2. Claim I. Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

As is common knowledge by courts, CDCR staff, and all prisoners, inmates with sex or child abuse charges are extorted, beat, and killed. All inmates who want to live in peace must prove that they don't have those bad charges by showing their Legal Status Summary (LSS) to the gang leaders and shot-callers on their yard. Inmates get their LSS by requesting it through the mail from the Case Records Office, who print a copy and mail it to the inmate.

Plaintiff does not have those bad charges, so he requested his LSS and it was mailed to him on 12-21-2022. When he showed it to a shot-caller, that person noticed under legal mandates this line: "Notification Required-Child Abuse", and immediately several inmates threatened him with violence, extorted from him his canteen, package items, and told him he must get his family to send money to someone. This went on for about 3 weeks.

(CONTINUED ON SEPERATE PAGE)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

A dislocated jaw that several weeks later still hurts, and severe, permanate fear, stress, and PTSD. Also, irreversable threat to Plaintiff's future safety due to a false child abuser label.

5. Administrative Remedies:

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Grievance #362696 ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

CLAIM III

1. State the constitutional or other federal civil right that was violated: _____
2. **Claim III.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	
3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

5. **Administrative Remedies.**
 - a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
 - b. Did you submit a request for administrative relief on Claim III? ☐ Yes ☐ No
 - c. Did you appeal your request for relief on Claim III to the highest level? ☐ Yes ☐ No
 - d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.

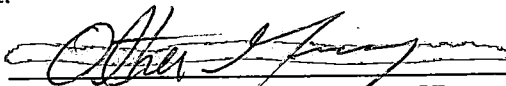
E. REQUEST FOR RELIEF

State the relief you are seeking:

- (1) Compensatory damages in the amount of \$250,000 against each defendant, jointly and severally.
- (2) Punitive damages in the amount of \$250,000 against each defendant.
- (3) A jury trial on all issues triable by jury.
- (4) Plaintiff's costs in this suit.
- (5) Any additional relief this court deems just, proper, and necessary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-10-23
DATE


SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.